

**FAUQUIER COUNTY  
PURCHASE OF DEVELOPMENT RIGHTS COMMITTEE  
MEETING**

February 7, 2006

8:30 AM

Fauquier County Extension Office, 24 Pelham Street, Warrenton, VA 20186

APPROVED MINUTES

Committee Members Present:

John Schied, Chairman  
Ike Broaddus, Vice Chairman  
Leslie Grayson  
Don Huffman  
Roger Martella

Others Present:

Ray Pickering, Agricultural Development Officer  
Scottie Heffner, PDR Program Assistant

1. Call to Order
  - a. Chairman Schied called the meeting to order.
2. Approval of December 13, 2005 Minutes
  - a. Ike Broaddus moved to approve the December 13, 2005 Minutes as dispersed. Don Huffman seconded and the motion carried.
3. Discuss Time Frame for Applicants to Complete Easements
  - a. A time frame to complete applications and to complete easements would help to avoid undue delay.
  - b. The Landowner's Commitment Agreement, which establishes the number of rights the applicant intends to sell and the payment amount per development right, could be edited to require that the applicant submit the Agreement within 90 days of receipt.
  - c. It was suggested that two years be the maximum time allowed for easements to be completed with substantial progress shown within one year from the date of the Board of Supervisor's approval. If, during the second year no further progress is made, the County could have the option to rescind the PDR offer. The applicant then would need to reapply in a subsequent application round to be considered.
  - d. Ike Broaddus moved to recommend that staff confer with the County Attorney to draft timeframe guidelines as follows:
    - i. Within 90 days: Landowner's Commitment Agreement signed and returned.
    - ii. One year from BOS approval date: Significant progress must be shown.
    - iii. Two years from BOS approval date: If not completed, the County has the ability to rescind the PDR offer.The motion was seconded and carried.

4. Review of Current Applicants

- a. Harry and Judy McConnell - Title work has been completed
- b. Ken Smith/Cool Lawn Farms, L.L.C. – Landowner may not be in agreement with respect to the number of rights determined by Zoning.
- c. Walter R.Green – Landowner will be meeting with his attorney to review the Commitment Agreement.
- d. Victor and Rosa Hacker – Landowner met recently with staff to discuss easement requirements.
- e. Calvin L. Ritchie – Delayed due to serious health matters.
- f. John Nissley/Stillwaters Farm, L.L.C. – This easement should close within the next two weeks.

5. Co-holding Procedures

- a. The application requirements and procedures for collaborative PDR transactions will be the same as that for any applicant.

6. Application Changes

- a. Minor changes to the application were discussed:
  - i. A statement advising applicants to meet with their attorney and accountant was added to page one
  - ii. A statement indicating that all property owners should be in agreement was also added to page one
  - iii. Easement information on page three was edited to include information on any conservation easement for which the parcel is currently under consideration
  - iv. Information on withholding rights will be edited to reflect the standard for VOF which is a sliding scale. Also the statement was edited to ask: Do you intend (not wish) to retain any development rights.
  - v. The current PDR payment was added.
  - vi. A statement about the optional landowner initiated appraisal was added.
  - vii. The disclaimer was edited to include a statement about FOIA.
  - viii. Income Affidavit was changed to show “including income from rental houses”.
  - ix. Delete parenthesis on page 4.

7. Other Issues

- a. Discussion on whether a tenant house should affect the development rights determination was discussed.
- b. Who is responsible for the cost of survey work was discussed. The PDR program will follow the model for normal procedures in real estate transactions (where the buyer pays for those things that protect his acquisition such as title work and survey). In cases where the landowner intends to survey off a portion for his own purposes, the cost of the survey would be the landowner’s responsibility.
- c. Budgeting for Fiscal Year 2007 will be addressed in March by the Board of Supervisors. Tax rate adjustments will be made in light of recent reassessments which may affect the funding for the PDR Program.

8. Next Meeting Date

- a. The next PDR Committee Meeting was scheduled for 8:30 AM on Tuesday, April 4, 2006 at the Fauquier County Extension Office.

9. Adjourn

- a. There being no further business, Leslie Grayson moved to adjourn the meeting. Ike Broaddus seconded and the motion carried.